90-220

No.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1990

RUDOLPH de SOUZA, Individual
RUDOLPH de SOUZA, President
RD/INTERNATIONAL, INC.
Petitioners

V.

WANDA L. SCHULTZ
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF VIRGINIA, RICHMOND, VIRGINIA

PETITION FOR WRIT OF CERTIORARI

RUDOLPH de SOUZA, Individual
RUDOLPH de SOUZA, President
RD/INTERNATIONAL, INC.

Petitioners

P.O. Box 16750
Crystal City Station
Arlington, Virginia 22215
(407) 277-8920
(pro se)

QUESTIONS PRESENTED

1. Should Court reverse clearly erroneous conclusion that the Virginia Court lacked subject matter jurisdiction to hear this case?

2. Did the Virginia Court act in excess of its authority in trying this case, before termination of the federal suit on similar concurrent charges and issues that the Respondent filed with the EEOC (Equal Employment Opportunity Commission) of the United States?

3. Did the Virginia Court commit error by allowing the Respondent's spouse (a party with conflict of interest in this case) to testify in favor of the Respondent, thereby allowing Federal questions to be decided by the State Court?

4. Were the Petitioner's basic rights guaranteed by the Fourth and Fourteenth Ammendments violated, when hidden tape

recordings made without the permission or knowledge of the Petitioner and were introduced as evidence during the trial?

5. Was the case decided under extreme time pressures?

6. Did the case have Substance and was Respondent given an opportunity for due process in light of question 4?

7. Were the Petitioner's rights guaranteed by the Fourth Ammendment violated?

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LIST OF ALL PARTIES

Name of Petitioners:

Rudolf de Souza, Individual
Rudolf de Souza, President
RD/INTERNATIONAL, Inc.
(Pro Se)

Mailing address of the Petitioners:

P.O. Box 16750
Crystal City Station
Arlington, Virginia 22215

Telephone number of Petitioners:

407-277-8920

Name & address of Respondent / counsel:

Wanda L Schultz /Marni E. Byrum, Esquire
2009 North 14th Street, Suite 412
Arlington, VA 22201 tel: 703-525-3877

REFERENCE TO OFFICIAL REPORTS DELIVERED IN THE CASE BY OTHER COURTS

On the 16th day of May, 1990, an ORDER DEFERRING ISSUANCE OF MANDATE until the final determination of the case by the Supreme Court of the United States, was granted by the Supreme Court of Virginia, Richmond, Virginia.

On the 30th day of April, 1990, a MOTION to Defer the issuance of mandate until proceedings in the Supreme Court of the United States have been terminated was filed by the Appellant, in the Supreme Court of Virginia, Richmond, Virginia.

On Friday the 20th day of April, 1990, the PETITION FOR REHEARING to set aside judgement was denied by the Supreme Court of Virginia, Richmond, Virginia.

On Tuesday the 13th Day of March, 1990, a PETITION FOR REHEARING was filed by the Appellants, in the Supreme Court of

Virginia, Richmond, Virginia.

The Denial of Appeal was dated Thursday the 1st day of March, 1990, by the Supreme Court of Virginia, Richmond, Virginia.

The WRITTEN STATEMENT in lieu of transcript was filed in December, 1989.

CONCISE STATEMENT OF THE GROUNDS ON WHICH JURISDICTION OF THE SUPREME COURT IS INVOKED

Date of Entry of Judgement: Order entered on Friday, October 6, 1989, in the Circuit Court of Arlington, Virginia.

On Friday the 20th day of April, 1990, the PETITION FOR REHEARING to set aside judgement was denied by the Supreme Court of Virginia, Richmond, Virginia.

All appeals were filed in a timely way.

This petition for writ of certiorari will have been filed in this Court before the expiration of 90 days from April 20, 1990.

This Court's jurisdiction is invoked under 28 U.S.C S 1257(a).

CONSTITUTIONAL PROVISIONS AND STATUTES THAT THE CASE INVOLVES

U.S.CONST., Art. V1, cl. 2:

(2) This constitution, and the laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby, any Thing in the constitution or the laws of any State to the contrary notwithstanding.

U.S.CONST., AMND. 1:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition

the Government for a redress of grievances.

U.S.CONST., AMND. 10

The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States to the states respectively, or to the people.

U.S.CONST., AMND. 14, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person

within its jurisdiction the equal protection of the laws.

28 U.S.C. S 1257(a):

Final judgements and decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

28 U.S.C. S 2403(a):

In any action, suit or proceeding in a court of the United States to which the

United States or any agency, officer or employee thereof is not a party, wherein the constitutionality of any Act of Congress affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General, and shall permit the United States to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The United States shall, subject to the applicable provisions of law, have all rights of a party and be subject to the liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

CONCISE STATEMENT OF THE CASE

The Respondent was a former civilian employee of the Naval Sea Systems Command (NAVSEA), who in her own written statement, admitted to having resigned her former federal employment "precipitously". The Respondent wrongfully blamed her next employer, RD/International Inc. (RD/I), for her loss of credibility in the workplace, when through discovery it had been determined that Respondent was forced to resign from the federal government, due to her past controversial relationship with contractors in her duties as the COTR (contract officer's technical representative) for the NAVSEA.

Respondent worked for RD/I for less than six months and was negligent in her main duties, viz., marketing and obtaining business for RD/I. Having failed in her primary job duty in obtaining business

for RD/I, Respondent resigned before she could be terminated. Not being able to sue NAVSEA, and being frustrated with this situation, Respondent filed concurrent charges with the EEOC and Circuit Court of Arlington (see questions 1 thru 6). The case involving several federal issues was tried in State Court erroneously. Hidden tape recordings made before Respondent's employment with RD/I, without the approval or knowledge of the Petitioner, were played as evidence during the trial (see questions 1 thru 8), resulting against wrongful judgements against the Petitioners.

Respondent was in breach of a written employment contract and wrongly introduced a "verbal contract" during the trial in conspiracy with her attorney and associates and Spouse (with

conflict of interest in this matter) to testify in the case, leading to an erroneous judgement.

It was impossible for the Petitioner to defend himself in this case as key evidence, including papers in the respondent's own handwriting were seized by the government which may been caused by the respondent and respondent's attorney and associates.

This statement contains the facts material to the consideration of the questions 1) through 7) on the first two pages of this document.

FEDERAL QUESTIONS PRESENTED

The case is being appealed for the following reasons:

1) Before, during and after the trial RD/International has discovered a conspiracy by the plaintiff and associates, to take control of and own RD/International, involving plotting against RD/I by the Plaintiff, the plaintiff's attorneys, and at least two "key" RD/I personnel. This plot failed as one of the witnesses refused to be coerced into testifying falsely against the Defendants.

Should the Court reverse clearly erroneous conclusion that the Virginia Court lacked subject matter jurisdiction to hear this case? Notable in this respect is Dames & Moore v. Regan 453 U.S. 654 (see Appendix).

2) It has been established that the plot

to take control of RD/I, was carefully orchestrated by the Plaintiff and associates, who tried to compound the case by events leading to the seizure of all RD/I's records. All these events were not brought to the attention of the jury who were biased against the Defendants in the first place (para 4). The Commonwealth of Virginia has a strong Minority Business Policy which protects businesses such as RD/I from being "scapegoated" by non minority entities. RD/I is simultaneously requesting relief in this matter from the Commonwealth of Virginia, Department of Minority Business Enterprise, in Richmond. This Commonwealth agency takes a keen interest in the welfare of minority businesses and minority business persons doing business in Virginia.

Did the Virginia Court act in excess

of its authority in trying this case, before termination of the federal suit on similar concurrent charges and issues that the Respondent filed with the EEOC (Equal Employment Opportunity Commission) of the United States?

In the case of Longshoremans Association v. Davis ref. 106 S.Ct. 1904 (1986), the threshold issue in Davis was whether a claim of federal law pre-emption could be waived if not raised in a timely manner under State procedural rules.

A claim of Garmon pre-emption is a claim that the State Court has no power to adjudicate the subject matter of the case when a claim of Garmon pre-emption is raised. In the Davis case Justices Rehnquist, joined Justices Powell, Stevens and O'Connor, disagreed with the majority's jurisdictional analysis but concurred with the finding of no pre

-emption , ref Id. at 1916-21 (see Appendix)

Respondent filed Federal Charges on May 5, 1988, citing Title VII of the Civil Rights Act of 1964 in Violation of Age Discrimination (because of her age (52), also because of her sex (Female) and got the case tried in State Court on major Federal Issues, in front of a jury who were not even briefed about the questions involving discrimination.

Per ref 103 S.Ct. at 1058 it is clear that age discrimination did not deprive the national economy of the productive labor of millions of individuals and increased costs in unemployment insurance. Clearly there were other employees much older than 52 years who never had a problem with termination of employment due to age or female considerations at RD/International, Inc.

3) It was impossible for Rudolf de Souza & RD/International (a 100% Minority Owned and Operated Enterprise) to defend themselves as all business & financial information and key evidence including papers in the Plaintiff's own handwriting were seized from them by the government. This made it impossible to retrieve the information, especially during the trial.

4) The jury was biased against the defendants Rudolf de Souza Georgiana de Souza and RD/International, possibly because of their National Origin. They had made up their minds before even hearing the Defendants testimony by saying to them in the elevator, "It will be interesting to see what your defense is going to be like". Defendant, moved the court for a mistrial on the grounds that the jury

had already made up their minds before testimony could be presented by the Defendants. The trial court committed error in overruling this, as the comments in the elevator showed an unduly prejudiced jury against the Defendants.

5) Prior to the trial, Defendants moved for summary judgement as to Count VI of the Amended Motion for Judgement, inasmuch as the enforcement of the promise of employment for a period in excess of one year was barred by the Statute of Frauds.

6) In argument over the said motion, counsel for Plaintiff asserted that the Statute of Frauds cannot apply when fraudulent inducement was alleged. Did the case have Substance and was Respondent given an opportunity for due process in light of question 4?

In the case of Logan v. Zimmerman Brush Co. 455 U.S. 422 (1982) (see Appendix) The Supreme Court held that the employer had transgressed the prohibition of discrimination and was a violation of Due Process Clause of the Fourteenth Ammendment.

7) In Count VIII of her Amended Motion for Judgement, Plaintiff alleged that Defendant RD/International, had committed fraud by promising to hire her for a term of five years, and thereby induced her to give up her employment with the Department of the Navy (when in fact she resigned "precipitously", by her own written admission to the Navy), and that at that time it had made the representations to honor its commitment.

Were the Petitioner's rights guaranteed by the Fourth Ammendment violated?
In Mapp v. Ohio, ref. 367 U.S. 633

(1961) the Court held that the judge-made rule that evidence obtained in violation of the Fourth Ammendment is inadmissible in a proceeding against the victim of the violation (the "exclusionary rule") also was applicable to the States.

8) Based upon Plaintiff's argument, the Court overruled Defendants' Motion for Summary Judgement and allowed Plaintiff to put on evidence as to the term of years of employment. Defendant's exception to the ruling was duly noted.

9) The jury returned its verdict in favor of the Defendant RD/I, as to Count VIII of the Amended Motion for Judgement finding that RD/I did not fraudulently induce Plaintiff to leave her employment with the Navy.

10) The jury returned verdict in favor

of the plaintiff as to Count VI of the Amended Motion for Judgement and awarded her damages in the amount of $131,000.00 on the five year oral contract of employment instead of her written employment contract, for time actually worked.

11) The verdict on Count I was an error as it was a) contrary to the law and the evidence; b) there was no evidence of the severity of Plaintiff's emotional distress; c) the jury was allowed to hear and consider acts of others not alleged or relied upon in Plaintiff's pleadings to establish the conduct causing Plaintiff's emotional distress, and produced no evidence that Plaintiff was aware of such conduct; d) the jury was misinstructed as to the burden of proof regarding the severity of emotional distress; e) the jury was

allowed to return a verdict both against the corporation and the individual Defendants; f) the Plaintiff's sole remedy at law against the corporation for injuries received while employed by RD/International, was Workman's Compensation

12) The verdict in Count II was an error as it was a) contrary to law and the evidence; b) the jury was improperly instructed as to the Plaintiff's burden of proof regarding the severity of emotional distress; c) the jury should have been instructed that the Plaintiff was limited in her recovery to the corporation should the jury have found the actions on the part of Rudolf de Souza to be committed in his capacity as an officer or agent of the corporation.

13) The verdict on Count VI of the Amended Motion for Judgement was an

error because in finding for the Defendants in Count VIII of the Amended Motion for Judgement, the jury found as a matter of fact the Defendants did not fraudulently induce Plaintiff to leave her employment with the Navy, therefore, the jury should not have been allowed to consider the parol evidence of the offer of employment for five years allegedly given the Plaintiff by the Defendant corporation, since said oral agreement was in violation of the Statute of Frauds and was contrary to the written employment offer which she agreed to in writing.

14) In Count I of her Amended motion for judgement, Plaintiff sued the Defendant RD/International, Inc., for intentional infliction of emotional distress through its agents Rudolf de Souza and Georgiana de Souza, and further alleged that

Plaintiff had suffered severe emotional distress, anguish, humiliation and embarrassment.

15) During the trial the Plaintiff offered no evidence to substantiate her claim of severe emotional distress other than her own testimony and that of her husband. In addition, there was no testimony at all as to the severity of her emotional distress.

16) At the trial, the trial court committed error in allowing Plaintiff, over objection of the Defendants, to introduce evidence in support of Count I of statements and activities of other officers and agents of the corporation directed against her, specifically those of Ed Cullen and Steven Steiner, which comments and activities supposedly contributed to the emotional distress alleged by the Plaintiff. No testimony

was elicited at all that Plaintiff was aware of any of the activities complained of by the other officers or agents of the corporation of her reaction, if any, to these activities.

17) After the introduction of this evidence, Defendant had moved the court for a mistrial on the grounds that the evidence had been introduced that was not contemplated in the Amended Motion for Judgement nor in the discovery supplied during the course of the trial, and, therefore, the Defendants were surprised, and further, that the evidence was not probative or relative or material to any of the issues of the trial and unduly prejudiced the jury against the Defendants.

18) The Defendants requested the court to instruct the jury that in the event it found for the Plaintiff against

RD/International, Inc., in Count I, that it could not return a verdict in favor of Plaintiff against either or both of the Defendants in Count II, and that said instruction was refused by the Court.

19) At the close of the trial, Defendants had moved to strike Plaintiff's claim for intentional emotional distress in that Plaintiff had offered no evidence of the severity of the distress. Said motion was overruled by the court.

20) Before the trial, Defendants had moved for summary judgement with respect to Counts I and II of the Amended Motion for Judgement, on the grounds that the Plaintiff's sole cause of action for injuries arising out of her employment with the corporation was through Workman's Compensation. Said

motion was overruled by the Court.

21) In Count II of the Amended Motion for Judgement, Plaintiff sued the Defendants Rudolf de Souza and Georgiana de Souza alternatively in their joint capacity as husband and wife, and in their individual capacity, for the same injuries complained in Count I. Liability of the Defendants, Rudolf de Souza and Georgiana de Souza, in Count II was specifically conditioned by Plaintiff upon a finding that Rudolf and Georgiana de Souza were not acting in their capacity as corporate officers and agents as alleged in Count I.

22) Towards the close of the trial, Defendants asked the Court to instruct the jury that it was the Plaintiff's burden to prove the severity of her emotional distress by clear and convincing evidence, which instruction

the Court refused.

23) In Count VI of the Plaintiffs Amended Motion for Judgement, Plaintiff sued Defendant RD/International, for its breach of its employment contract with her and sued for future wages upon an oral agreement of five years' employment, inspite of having a written agreement completely to the contrary with RD/International.

ARGUMENTS FOR ALLOWANCE OF WRIT

The following are direct and concise arguments amplifying the reasons relied on for the allowance of the writ.

1) In Count VIII of her Amended Motion for Judgement, Plaintiff alleged that Defendant RD/International, had committed fraud by promising to hire her for a term of five years, and thereby induced her to give up her employment with the Department of the Navy (when in fact she resigned "precipitously", by her own written admission to the Navy), and that at that time it had made the representations to honor its commitment.

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inadmissible in a proceeding against the victim of the violation (the "exclusionary rule") also was applicable to the States.

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associates, who tried to compound the case by events leading to the seizure of all RD/I's records. All these events were not brought to the attention of the jury who were biased against the Defendants in the first place (para 4).

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5, 1988, citing Title VII of the Civil Rights Act of 1964 in Violation of Age Discrimination (because of her age (52), also because of her sex (Female) and got the case tried in State Court on major Federal Issues, in front of a jury who were not even briefed about the questions involving discrimination. Per ref 103 S.Ct. at 1058 it is clear that age discrimination did not deprive the national economy of the productive labor of millions of individuals and increased costs in unemployment insurance. Clearly there were other employees much older than 52 years who never had a problem with termination of employment due to age or female considerations at RD/International, Inc.

7) It was impossible for Rudolf de Souza & RD/International (a 100% Minority Owned and Operated Enterprise) to defend themselves as all business & financial

information and key evidence including papers in the Plaintiff's own handwriting were seized from them by the government. This made it impossible to retrieve the information, especially during the trial.

OTHER REASONS FOR ALLOWANCE OF WRIT

The circuit Court committed error by virtue of one or more of the following reasons.

A SINGLE PETITION for APPEAL was filed on January 4, 1990, in Supreme Court of Virginia, Richmond, Virginia.

NOTE: Written Statement was filed in the Circuit Court of Arlington County on December 6, 1989.

Motion set for trial Judge's (Thomas R. Monroe) signature at 10.00 AM on Friday January 5, 1990.

Subsequent filings were made with the

Supreme Court of Virginia following the trial judge's signature.
New Counsel was in process of being obtained and was intended to be proposed for the new trial.

The written SINGLE PETITION for APPEAL contained the same arguments as stated in this PETITION FOR A WRIT OF CERTIORARI.

ORAL ARGUMENT: The appellants desired to state orally to a panel of this court the reasons why this petition for appeal should be granted.

ADDENDUM No. 1 was filed on 1/10/90
This addendum contained an EXCEPTION to ORDER dated January 5, 1990. The purpose of Addendum No.1 was to note with exception the Order signed by Judge Monroe January 5, 1990.

The Corporation has been and was in the

process of interviewing persons for the purpose of obtaining new counsel, and had no alternative to filing the motion for January 5, 1990.

Please note that Rudolf de Souza & RD/International, Inc., totally disagreed with this Order which surprised us in court on January 5, 1990. This Order is not signed by Rudolf de Souza or Rudolf de Souza, President, RD/International.
The Order Dated January 9, 1990, was enclosed in the submittal.
ADDENDUM No. 2 was filed on 1/24/90
The purpose of Addendum No.2 was to note with EXCEPTION the ORDER dated January 12, 1990.

The Corporation has been and was in the process of interviewing persons for the purpose of obtaining new counsel, and had no alternative to filing the motion

for January 5, 1990.

Please note that Rudolf de Souza & RD/International, Inc., totally disagreed with this Order which surprised us in court on January 5, 1990. This Order is not signed by Rudolf de Souza or Rudolf de Souza, President, RD/International.

The documentation for the Order dated January 12, 1990, to the best of my knowledge and belief was prepared for Judge Monroe's signature by the Plaintiff's attorney or her associates, without my concurrence. Defendants Rudolf de Souza and RD/International, were surprised by the sudden appearance of Mr. William Minor of the Law firm Wayne F. Cyron, who were subsequently relieved of their contract as RD/I's counsel by the judge, without concurrence with the defendants.

The following facts were submitted to take exception to the Order dated January 12, 1990. Please refer to the attached letter from Wayne F. Cyron to Mr. & Mrs. Rudolf de Souza dated November 14, 1989.

F1) The Written Statement was filed in a timely manner on the due date of December 6, 1989 as per advice given in paragraph #1 of Wayne F. Cyron letter dated November 14, 1989. The petition to the Supreme Court of Virginia was filed January 5, 1990 as per advice given in paragraph #2 of Wayne F. Cyron letter dated November 14, 1989.

F2) The Written Statement contained a significant portion of the facts presented during the trial.

F3) We believe and pray that the facts presented in item #2 by RD/International

and Rudolf de Souza, are enough cause for the Supreme Court of Virginia to warrant a new trial.

F4) The Court relieved the Law firm of Wayne F. Cyron and attorneys William Minor & Wayne F. Cyron prior to asking Mr. Rudolf de Souza if he had Counsel to represent RD/International. The Law firm of Wayne F. Cyron and associated attorneys were hired by Rudolf & Georgiana de Souza and RD/International, Inc., to represent them. Defendants Rudolf de Souza and/or RD/International, were surprised by the sudden appearance of Mr. William Minor of the Law firm of Wayne F. Cyron, and the subsequent termination of the legal services of the Law Firm of Wayne F. Cyron. The Court committed error in relieving them of their contractual obligation to the defendants. This left RD/I and Rudolf de Souza in a very embarrassing and

untenable position in the courtroom with no counsel, due to the court's error. The enclosures included the Order Dated January 12, 1990, and Wayne F. Cyron letter dated November 14, 1989.

CASES

The following cases histories are presented.

Dames & Moore v. Regan; 453 U.S.654.

In the case challenging the Iranian hostage agreement the case was decided under extreme time pressures, haste contributed to deficiencies in several questionable opinions involving an expedited hearing. The same is the case in the Pentagon Papers case of the New York Times v. the United States ref 403U.S. 713 (1971), where the dissenters vigorously argued that they lacked the time to consider the merits of the case adequately.

Garmon pre-emption ref Id. at 1916-21

A claim of Garmon pre-emption is a claim that the State Court has no power to adjudicate the subject matter of the case when a claim of Garmon pre-emption is raised. In the Davis case Justices Rehnquist, joined Justices Powell, Stevens and O'Connor, disagreed with the majority's jurisdictional analysis but concurred with the finding of no pre emption , ref Id. at 1916-21.

Logan v. Zimmerman Brush Co; 455 U.S 422(1982)

In the case of Logan v. Zimmerman Brush Co. 455 U.S. 422 (1982)

The Supreme Court held that the employer had transgressed the prohibition of discrimination and was a violation of Due Process Clause of the Fourteenth Amendment.

Longshoremans Association v. Davis ref. 106 S.Ct. 1904 (1986),

In the case of Longshoremans Association v. Davis ref. 106 S.Ct. 1904 (1986), the threshold issue in Davis was whether a claim of federal law pre-emption could be waived if not raised in a timely manner under State procedural rules.

Mapp v. Ohio, ref. 367 U.S. 633 (1961)

In Mapp v. Ohio, ref. 367 U.S. 633 (1961) the Court held that the judge-made rule that evidence obtained in violation of the Fourth Amendment is inadmissible in a proceeding against the victim of the violation (the "exclusionary rule") also was applicable to the States.

Title VII of the Civil Rights Act (1964)

Per ref 103 S.Ct. at 1058 it is clear that age discrimination did not deprive

the national economy of the productive labor of millions of individuals and increased costs in unemployment insurance. Clearly there were other employees much older than 52 years who never had a problem with termination of employment due to age or female considerations at RD/International, Inc.

CONCLUSION

For all the foregoing reasons, this Court should exercise jurisdiction under Section 1257 of the Judicial Code and grant this petition for writ of certiorari to review the decision and order of the Virginia Circuit Court in this case dated October 6, 1989, and Virginia Supreme Court, Richmond dated April 20, 1900, with respect to the federal questions presented, summarily (Rule 23.1) or in a plenary fashion, after full briefing and oral argument.

Respectfully Submitted.

July 19, 1990

Rudolph de Souza, Individual
Rudolph de Souza, President
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Crystal City Station
Arlington, Virginia 22215
(407) 277-8920

(pro se)

IN THE CIRCUIT COURT OF ARLINGTON

COUNTY, VIRGINIA

JUDGEMENT in case #88-558

This day came again the parties, by counsel, and the Court having considered the defendants' Motion to Set Aside the Verdict and Plaintiff's Opposition thereto, is now of the opinion that the motion should be overruled; wherefore it is considered by the Court and is ORDERED and ADJUDGED that the motion to set aside the jury's verdict be and the same hereby is overruled, and the Plaintiff, Wanda L. Schultz, recover of the defendants the sums set forth below, in accordance with the jury's verdict, with lawful interest thereon from the 6th day of October, 1989, as well as her costs in its behalf expended as set forth in exhibit A attached hereto, to which action of the Court, defendants, by counsel, expected.

Plaintiff shall recover as follows:

1. from the defendant RD/International for breach of contract $131,500;

2. from defendant RD/International for intentional infliction of emotional distress, $30,000 in compensatory damages and $30,000 in punitive damages;

3. from defendant RD/International for failure to pay compensation, $4,800. plus interest from March 22, 1988;

4. from defendant Rudolph de Souza for assault, $10,000 in compensatory damages and $30,000 in punitive damages;

5. from defendant Rudolph de Souza for intentional infliction of emotional distress, $25,000 in compensatory damages and $25,000 in punitive damages;

6. from defendant Georgiana de Souza for defamation, $1,000 in compensatory

damages and $1,000 in punitive damages

Plaintiff shall have no recovery on the remaining jury questions, as the jury issued a verdict for defendants on the two counts of fraud against defendant RD International and the one count of intentional infliction of emotional distress against defendant Georgiana de Souza; and judgement is hereby entered for the defendants RD/International and Georgiana de Souza thereon.

AND THIS COURT FURTHER reduces to judgement the attorneys fees previously awarded to plaintiff against defendant RD International in the amount of $200.00, and against defendant Georgiana de Souza in the amount of $150.00

sd/-

Thomas R. Monroe

Judge

October 6, 1989

Seen and exceptions noted to all adverse ruling and to the costs assessed

sd/-

Wayne Cyron

Counsel for the Defendants

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 20th day of April, 1990.

Rudolph de Souza, et al., Appellants

against Record No. 900009

Circuit Court No. L-88-558

Wanda L. Schultz, Appellee

Upon a Petition for Rehearing

On consideration of the petition of the appellants to set aside the judgement rendered herein on the 1st day of March, 1990 and grant a rehearing thereof, the

prayer of the said petition is denied.

A Copy,

Teste: Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 1st day of March, 1990.

Rudolph de Souza, et al., Appellants,

against Record No. 900009

Circuit Court No. L-88-558

Wanda L. Schultz, Appellee.

From the Circuit Court of Arlington County

Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court is of opinion there is no reversible error in the judgement

complained of. Accordingly, the Court refuses the petition for appeal.

A Copy,

Teste:
David B. Beach, Clerk

By:
Deputy Clerk

CHARGE OF DISCRIMINATION

EEOC #123880681

Mrs. Wanda L. Schultz (301) 868-7932

8606 North Drive, Clinton, MD 20735

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW.

NAME RD/INTERNATIONAL; NO.OF EMPLOYEES /MEMBERS 15+ ; TELE. NO. (703)553-9212

2301 SOUTH JEFFERSON DAVIS HIGHWAY, ARILINGTON, VIRGINIA 22202

CAUSE OF DISCRIMINATION BASED ON: SEX,

AGE, HARASSMENT

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE: 3/21/88

THE PARTICULARS ARE:

1. I was employed by the above named company on October 1, 1987. I was employed as the Corporate Vice President.

2. During my employment with RD International, Inc. I had been repeatedly subjected to both verbal and physical sexual assaults by Rudolph deSouza, which I refused, and verbal harassment by Georgiana deSouza. Without warning and without written notice I was deprived of any salary from February 25 to March 21, 1988. These actions culminated in my constructive discharge from RD International, Inc.

3. I feel this action was also the result of discrimination against me

because of my age (52) in violation of the Age Discrimination in Employment Act of 1967, as amended, also because of my sex (Female) in violation of Title VII of the Civil Rights Act of 1964, as amended.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
1717 H ST, N.W.-SUITE 402
WASHINGTON, D.C. 20006
RECEIVED: 05/13/88
NOTARY- (WHEN NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS)
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT
WANDA L. SCHULTZ
SUBSCRIBED AND SWORN TO BEFORE ME THIS
DATE: 5/5/88 Marie L. Crimes